

PROPOSED AMENDMENT TO
“21.05 FINANCIAL DISCLOSURE”

TENDERED BY: Councilman Ken Fleming

It is Moved that Chapter 21 Section 21.05 be amended as follows:

§ 21.05 LOUISVILLE/ JEFFERSON COUNTY ETHICS COMMISSION.

(A) (1) A Louisville/Jefferson County Metro Government Ethics Commission (hereafter, the “Ethics Commission”) is hereby created which shall be responsible for the enforcement and administration of the Code of Ethics adopted in this subchapter in the manner set forth in this subchapter. When requested by a Metro Officer, the Ethics Commission shall issue an advisory opinion concerning acts or activities covered by this subchapter. Such opinions shall be public and shall not disclose the identity of persons associated with the opinion. Confidential opinions may be issued, if requested by the Metro Officer or Metro Agency submitting the question only if the subject is exempt from disclosure pursuant to KRS 61.878.

(B) (1) The investigation and determination of whether a Metro Officer has committed any violation of this subchapter shall be the responsibility of the Ethics Commission.

(2) When requested by an appointing authority, the Ethics Commission shall have authority to issue an opinion concerning whether or not an act or activities undertaken by a Metro Officer constitute a violation of this subchapter. The Ethics Commission shall have authority to adjudicate factual issues, and to determine whether the alleged act or activity constitutes a violation of this subchapter.

(C) The Ethics Commission shall consist of seven members appointed by the Metro Mayor and approved by the Metro Council. ~~However, for the first year of the Ethics Commission only, two additional members from the former Jefferson County Ethics Commission shall serve as advisory and non-voting members for a one-year term commencing on the date of their appointment to the Ethics Commission. One of these members shall be a registered Democrat selected by the Majority Caucus of the Metro Council, and the other member shall be a registered Republican selected by the Minority Caucus of the Metro Council. The entire Metro Council must approve these two advisory, non-voting members.~~ Ethics Commission members shall not be persons who are Metro Officers or employees of the Metro Government, and they shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No two Ethics Commission members shall reside in the same Metro Council district. ~~For the initial appointments of the voting members to the Ethics Commission, two members shall serve one-year terms; three members shall serve two-year terms; and two members shall serve three-year terms. Thereafter, such a~~ mMembers of the Ethics Commission shall serve for a term of three years or until his/her successor is appointed. In addition, such Ethics Commission members may be reappointed for one consecutive term and shall not be eligible for

reappointment until one year after the expiration of his/her last term. ~~An Ethics Commission member may be removed for reasons of malfeasance or neglect of duty by the Metro Council. Vacancies, whether by death, resignation, or removal, shall be filled in the same manner as original appointments. Ethics Commission members shall serve without compensation. No more than three of the members of the Ethics Commission shall be of the same political party, and at least one member shall be a registered Independent.~~ Members of the Ethics Commission shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

The absence of any member from three consecutive meetings, unless the Ethics Commission has excused the absence for good and sufficient reason, shall constitute a resignation.

When a vacancy occurs in the membership of the Ethics Commission, the vacancy shall, within 60 days, be filled for the unexpired portion of the term in the same manner as regular appointments. Any person appointed to fill a vacancy on the Ethics Commission must meet the qualifications and limitations set forth in this ordinance.

An Ethics Commission member may be removed from office by at least a two-thirds majority of the Metro Council, after written notice, including a clear statement of the grounds for removal, and opportunity for reply, at least 30 days before voting on removal. The sole grounds for removal shall be failure to meet the qualifications or limitations set forth in this code, neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or a violation of this ordinance.

No member of the Ethics Commission may be, or have been within one year prior to appointment:

a person serving in an elected office of any level of government or a candidate for election to office of any level of government,

a Metro Officer or employee of the Metro Government,

a lobbyist as defined in KRS 11A.010(11)

a member of a Metro Officer's family.

(D) Within 60 days of the effective date of this subchapter, the Ethics Commission shall draft and submit to the Metro Council its rules and regulations for the administration of this subchapter and the conduct of its meetings, including, but not limited, to maintenance of financial disclosure statements, issuance of opinions and imposition of penalties for violations of this Code. If the Metro Council does not disapprove of the Ethics Commission's rules and regulations within 45 days after submission to the Council, such rules and regulations shall go into effect on the 46th day after submission. The Ethics Commission shall annually report any changes to its rules operations, or procedures to the Louisville Metro Council by August 1.

(E) There is hereby created the position of Legal Counsel to the Ethics Commission. The Ethics Commission ~~may~~ shall employ the Legal Counsel on contract on either a full-time or part-time basis ~~or may designate the Jefferson County Attorney, or a member of his/her staff as Legal Counsel;~~ provided that if Legal Counsel is

employed under contract, they shall neither be employed counsel nor any attorney with whom employed counsel has any affiliation or association shall be employed or under contract in any capacity with Metro Government.

(F) The Metro Human Resources Department shall provide reasonable and necessary staff support for the operation of the Ethics Commission.

(G) The Ethics Commission shall be the official custodian of financial disclosure statements to be filed under this subchapter.

(H) (1) The Ethics Commission shall conduct at least one annual training and review session open and available to all Metro Officers, and such other training and review activities as shall from time to time be requested by the Metro Mayor or the Metro Council.

(I) The Ethics Commission shall prepare and submit an annual report to the Metro Council, summarizing the activities, decisions, and advisory opinions of the Commission. The annual report may also recommend changes to the text or administration of this Ethics Code. The annual report must be submitted no later than July 31st of each fiscal year, covering to the previous fiscal year ending June 30th, and must be filed with the Metro Council Clerk. The annual report shall be made available on the Metro website with a statement that financial disclosure forms are available for public inspection with the Ethic Commission. On a monthly basis, a report must be prepared and submitted to Metro Council if any decisions or advisory opinions have been pending for more than 180 days from the date of the complaint or request. The report shall summarize the Commission's actions on the request or complaint, reasons for delay, and an anticipated time frame for issuance of a decision.

(J) The Ethics Commission shall at least every four years review this Ethics Code, the enforcement of the Ethics Code, and the Commission's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Louisville Metro Government, and whether they set forth clear and enforceable, common-sense standards of conduct. After at least one public hearing, the Commission may recommend to the Metro Council amendments to this Ethics Code.

(2) All Metro Officers in office on the effective date of this subchapter shall be required to attend one training session conducted by the Ethics Commission within 12 months of the effective date of this subchapter and at least once every 24 months thereafter. All Metro Officers elected or appointed after the effective date of this subchapter shall be required to attend one training session conducted by the Ethics Commission within 12 months of his/her election or appointment, and at least once every 24 months thereafter.